

D/P

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

DENISE CASSESE f/k/a DENISE CALIGIURI, GEORGE SCOTT RUSH, RICHARD MELICHAR and RICHARD SCHROER, individually and on behalf of all others similarly situated,	Civil Action No. 05-02724 Arthur D. Spatt, USDJ Arlene R. Lindsay, USMJ FILED
<p style="text-align: right;">Plaintiffs,</p>	IN CLERK'S OFFICE U.S. DISTRICT COURT E.D.N.Y.
<p style="text-align: center;">v.</p>	<p style="text-align: center;">★ 10/01/2009 ★</p>
WASHINGTON MUTUAL, INC.;	LONG ISLAND OFFICE
THE FEDERAL DEPOSIT INSURANCE CORPORATION, in its capacity as receiver for WASHINGTON MUTUAL BANK, such entity having incorporated former defendants WASHINGTON MUTUAL BANK, FA and WASHINGTON MUTUAL HOME LOANS, INC.; and	
WASHINGTON MUTUAL BANK, FSB,	
<p style="text-align: right;">Defendants.</p>	

STIPULATION OF VOLUNTARY DISMISSAL

The parties, by their respective undersigned counsel, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate and agree to voluntarily dismiss with prejudice Richard Melichar as a Plaintiff in this action and all individual claims asserted by Richard Melichar in this action. The parties further stipulate and agree that this Stipulation shall not be interpreted to waive any other claims, defenses or arguments concerning the remaining parties to this action.

Dated: August 30, 2010
New York, New York

WHALEN & TUSA, P.C.

/s/ Joseph S. Tusa

Joseph S. Tusa (JT 9390)
Paul C. Whalen (PW 1300)
33 West 19th Street, Suite 405
New York, NY 10011
Tel: (212) 400-7100
Fax: (212) 658-9685

**LOWEY DANNENBERG COHEN
& HART, P.C.**

Peter D. St. Philip, Jr. (PS 0726)
One North Broadway, 5th Floor
White Plains, NY 10601
Tel: (914) 997-5000
Fax: (914) 997-0035

*Attorneys for Plaintiffs
and Class Counsel*

BAKER BOTTS L.L.P.

/s/ David A. Super

David A. Super (*pro hac vice*)
Richard P. Sobiecki (*pro hac vice*)
The Warner
1299 Pennsylvania Ave. NW
Washington, DC 20004-2400
Tel: (202) 639-7700
Fax: (202) 639-7890

*Attorneys for the Defendant Federal
Deposit Insurance Corporation in its
capacity as Receiver for Washington
Mutual Bank*

WEIL, GOTSHAL & MANGES LLP

/s/ John P. Mastando III

John P. Mastando III
Wing F. (Alex) Ng
767 Fifth Avenue
New York, NY 10153
Tel: (212) 310-8000
Fax: (212) 310-8007

*Attorneys for Defendant Washington
Mutual, Inc.*

Request denied without prejudice to renew. Pursuant to the Court's Individual Practices, partial dismissals must set forth an amended caption. The parties are also directed to the Court's Order of May 13, 2010, which sets forth a caption that is different from the caption on the parties' present stipulation. So Ordered